

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FULTON COUNTY EMPLOYEES'
RETIREMENT SYSTEM, Derivatively on Behalf
of THE GOLDMAN SACHS GROUP, INC.,

Plaintiff,
vs.

LLOYD BLANKFEIN, DAVID M. SOLOMON,
M. MICHELE BURNS, DREW G. FAUST,
MARK A. FLAHERTY, WILLIAM W.
GEORGE, JAMES A. JOHNSON, ELLEN J.
KULLMAN, LAKSHMI N. MITTAL,
ADEBAYO O. OGUNLESI, PETER
OPPENHEIMER, JAN E. TIGHE, DAVID A.
VINIAR, and MARK O. WINKELMAN,

Defendants,

and

THE GOLDMAN SACHS GROUP, INC.,

Nominal Defendant.

No. 1:19-CV-01562-VSB

STIPULATION AND
[PROPOSED] ORDER

WHEREAS, on February 19, 2019, Plaintiff Fulton County Employees' Retirement System ("Fulton County") filed a Verified Shareholder Derivative Complaint ("Complaint") in the above-captioned action; and

WHEREAS, Defendants intend to file a motion to dismiss the Complaint pursuant to Rules 12(b) and 23.1 of the Federal Rules of Civil Procedure ("Dismissal Motion").

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the undersigned parties to this action, as follows:

1. The undersigned counsel for Defendants hereby accepts service of the Complaint in this action on behalf of all Defendants.

2. Defendants will serve and file the Dismissal Motion on or before May 13, 2019.

3. Plaintiff will have 60 days from service of the Dismissal Motion to serve and file its opposition to the Dismissal Motion (“Opposition”).

4. Defendants will have 45 days from the service of the Opposition to serve and file a reply memorandum in support of the Dismissal Motion.

5. Plaintiff hereby dismisses its Complaint without prejudice as to Defendants Jan E. Tighe and Drew G. Faust.

6. Plaintiff reserves all rights to seek amendment of its Complaint, and Defendants reserve all rights to oppose.

7. Defendants reserve and do not waive all rights and defenses, including as to jurisdiction, except for a defense as to the sufficiency of service of the Complaint.

Dated: New York, New York
March 14, 2019

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Attorneys for Nominal Defendant The Goldman Sachs Group, Inc. and Defendants Lloyd Blankfein, David M. Solomon, M. Michele Burns, Drew G. Faust, Mark A. Flaherty, William W. George, James A. Johnson, Ellen J. Kullman, Lakshmi N. Mittal, Adebayo O. Ogunlesi, Peter Oppenheimer, Jan E. Tighe, David A. Viniar, and Mark O. Winkelmann

DATED: _____

SO ORDERED,

Hon. Vernon S. Broderick
United States District Judge